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COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Second session
Geneva, 16 - 20 February 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Government of the Republic of Croatia
dated 29 January 1998

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The Ministry of Foreign Affairs of the Republic of Croatia presents its compliments to the Office of the United Nations High Commissioner for Human Rights at Geneva and pursuant to its note G/SO 212/26(1) concerning the implementation of the Commission on Human Rights resolution 1997/15 of 3 April 1997 has the honour to transmit the reply prepared by the Republic of Croatia on the questionnaire "Migrants and human rights".

The reply, attached to this note, has been completed after the collection of information from relevant ministries.

The Ministry of Foreign Affairs of the Republic of Croatia should like to take this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights at Geneva the assurances of its highest consideration.

Zagreb, 29 January 1998

REPLIES TO THE QUESTIONNAIRE "MIGRANTS AND HUMAN RIGHTS"

1. As to the information about total population, the estimated population of the Republic of Croatia on 30 June 1997 was as follows:

Total	*Male*	*Female*
4.493.584	*2.129.529*	*2.334.055*

This estimate of the population for the year 1996 was made in accordance with the "de facto" principle, which means that the total population includes persons who have resided in the territory of the Republic of Croatia for one or more years (e.g. refugees), and excludes persons who have been absent from the Republic of Croatia for one or more years (persons working abroad and the members of their families living with them abroad).

It is not known what is the share of foreign citizens in the total number. Referring to the number of Croatian citizens abroad, we only have the information about the number of person who are temporarily employed abroad for the purpose of performing of investment and other works, or as company representatives, branch office representatives or agents performing economic activities.

In 1997 3.105 persons were referred to work abroad.

The overview of foreign countries and the number of workers who were given approval for going to work abroad in accordance with the agreements with foreign partner are given below:

WESTERN-EUROPEAN COUNTRIES	*NUMBER OF WORKERS*
FR Germany	*2557*
Italy	*152*
Great Britain	*12*
France	*15*
Switzerland	*18*
Austria	*7*
The Netherlands	*2*
Spain	*1*
Belgium	*5*
Slovenia	*14*
TOTAL	*2783*

EASTERN-EUROPEAN COUNTRIES	
Russian Federation	*80*
Ukraine	*49*
Albania	*21*
Czech Republic	*12*
Slovak Republic	*1*
Hungary	*9*
Turkey	*2*
Belarus	*2*
Uzbekistan	*6*
Greece	*1*
Lithuania	*1*
Poland	*4*
Bosnia and Herzegovina	*1*
Macedonia	*1*
TOTAL	***190***
OTHER COUNTRIES	
Libya	*47*
Thailand	*13*
Tunisia	*30*
U.S.A.	*22*
Brazil	*2*
Egypt	*1*
United Arab Emirates	*1*
South Africa	*1*
Japan	*3*
Chile	*2*
India	*1*
Malaysia	*5*
Australia	*3*
Canada	*1*
TOTAL	***132***
GRAND TOTAL	***3105***

According to the data provided by the Croatian Employment Service, the number of persons possessing any kind of work permits is 6.063.

As to irregular migrants including visa abusers, we can say that based on migration trends in the Republic of Croatia in the last few years and according to the information provided by the Ministry of the Interior, it is evident that with the stabilisation of peace in the Republic of Croatia the migration structure has considerably changed. In other words the Republic of Croatia is not any more the haven for refugees, but it has become a safe country for legal migrations of all kinds. In 1997 there was an increase in procedures involving foreign citizens, but with a substantially different migration structure in comparison with the previous year, which can be seen from the table below:

Apart from illegal migration of citizens of European countries and of neighbouring countries, we would like to point out a significant increase in the number of illegal migrations of foreign citizens from African and Asian countries, particularly, Iraq, Iran, Egypt, Bangladesh and Syria.

During the year 1997 we were particularly faced with illegal migration of the citizens of Turkey, Iran, Iraq, Egypt, Bangladesh and Syria who attempted to enter the Republic of Croatia from Bosnia and Herzegovina wishing to move illegally into some of the Western European countries (Italy, Germany).

Besides from the above facts, there was also a considerable number of illegal migrants who entered the Republic of Croatia from the territory of the Federal Republic of Yugoslavia via UNTAES region. In this case we particularly refer to the citizens of Romania, whose migration was exclusively of economic nature, citizens of Tunisia and citizens of the Federal Republic of Yugoslavia.

2. The protection of the human rights of migrants in the Republic of Croatia is regulated by laws and regulations as well as by bilateral agreements, and all legal migrants in the Republic of Croatia enjoy the same rights as the citizens of the Republic of Croatia.

As to the measures being taken to strengthen the promotion, protection and implementation of the human rights of migrants, we would like to point out that in the Republic of Croatia and in its legislation there is the institution of protection of refugees (Article 31 of the Residence and Movement of Foreigners Act) and the processing of applications and granting of refugee status in the Republic of Croatia is regulated also by the Residence and Movement of Foreigners Act (Articles 32 to 38).

Moreover, one of the measures for protection and implementation of the human rights of migrants is regulated by Article 66 Paragraph 2 of the Residence and Movement of Foreigners Act whereby the foreigners who can not be sent back to their countries of origin, for whatever reason, are registered as residing at the addresses of their friends and relatives in the Republic of Croatia.

The Republic of Croatia has by now signed the following bilateral agreements concerning the procedure of transfer and reception of persons whose residence is contrary to the law:

1. Agreement between the Government of the Republic of Croatia and the Government of the Republic of Greece about the Transfer and Reception of Persons whose Stay is Contrary to the Law, signed in Athens on 10 March 1995.

2. Agreement between the Government of the Republic of Croatia and the Government of the Republic of France about the Transfer and Reception of Persons whose Stay is Contrary to the Law, signed in Zagreb on 27 January 1995.

3. Agreement between the Government of the Republic of Croatia and the Government of the Republic of Hungary about the Reception of Persons on the Common State Border, signed in Zagreb on 9 December 1992.

4. Agreement between the Government of the Republic of Croatia and the Government of the Republic of Poland about the Transfer and Reception of Persons Whose Stay is Contrary to the Law, signed in Warsaw on 8 November 1994.

5. Agreement between the Government of the Republic of Croatia and the Government of the Slovak Republic about the Transfer and Reception of Their Own Citizens, signed in Bratislava on 29 April 1994.

6. Agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovenia about the Reception of Persons on the Common State Border, signed in Zagreb on 4 June 1993.

7. Agreement between the Government of the Republic of Croatia and the Federal Council of Switzerland about the Escort of Citizens of the Third States, signed in Zagreb on 21 February 1997.

8. Agreement between the Government of the Republic of Croatia and the Government of the Italian Republic about the Reception of Persons Whose Stay is Contrary to the Law, signed in Rome on 27 June 1997.

9. Agreement between the Government of the Republic of Croatia and the Government of the Republic of Austria about the Transfer of Persons on the State Border, signed in Vienna on 18 June 1997.

3. As to the issue of racism, xenophobia and other forms of discrimination against migrants in the Republic of Croatia and against the citizens of the Republic of Croatia in other countries, we must say that in our knowledge there have not been such cases of discrimination.

4. The Government of the Republic of Croatia is holding constant discussions with the social partners regarding the possibility of ratification of the ILO Conventions, including the conventions regulating the rights of migrant workers.

With reference to the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, the relevant authorities of the Republic of Croatia consider that now it is not opportune to ratify the said convention.

PROCEDURES INVOLVING FOREIGN CITIZENS FROM 01.01.1997 TO 30.09.1997.						
COUNTRY	POLICE PENALTY	CRIMINAL CHARGES	CANCELLATION OF STAY	PROTECTIVE MEASURE	SAFETY MEASURE	FORCED REMOVAL
BiH	1247	231	423	336	23	210
FRY	475	47	68	112	2	40
SLOVENIA	364	79	60	36	6	16
ROMANIA	1729	34	979	585	6	454
ITALY	120	35	22	3	5	12
TURKEY	195	7	326	62	1	361
MACEDONIA	579	16	395	133	-	24
HUNGARY	72	27	20	14	10	16
UKRAINE	92	4	51	51	-	56
ALBANIA	42	2	17	24	-	22
EGYPT	8	-	8	-	-	4
SYRIA	19	-	8	2	-	8
IRAQ	7	-	12	2	-	4
IRAN	15	-	4	5	-	4
TUNISIA	35	-	18	7	-	11
BANGLADESH	19	1	1	9	-	9
MOROCCO	7	1	5	1	-	4
NIGERIA	1	1	-	-	-	-
OTHER	1290	175	302	121	9	104
TOTAL	6317	660	2719	1503	64	1359